

1 everybody, not just the applicant parties. So  
2 whatever is worked out, we would also like to  
3 work with Havens and then whatever date is  
4 decided on that, have that apply it to Maritime  
5 as well.

6 Havens filed -- it's very unclear of  
7 who the directors are.

8 JUDGE SIPPEL: Yes, you're going to do  
9 it again 29th, though.

10 MR. KELLER: What?

11 JUDGE SIPPEL: You're going to do it  
12 again on the 29th.

13 MR. KELLER: Right. Yes. Whatever  
14 they file on the 29th we'll respond to in the  
15 appropriate time.

16 JUDGE SIPPEL: Yes, whatever the rules  
17 require.

18 MR. KELLER: Right.

19 JUDGE SIPPEL: Unless you need more  
20 time, then apply for more time.

21 MR. KELLER: Yes. Right. Gotcha.

22 MS. KANE: Your Honor, I just want to

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1 clarify that you're voiding essentially the  
2 current request for admissions for Mr. Havens  
3 such that --

4 JUDGE SIPPEL: Yes, they don't count.

5 MS. KANE: -- nobody would be required  
6 to respond?

7 JUDGE SIPPEL: They don't count.

8 MS. KANE: Okay.

9 MR. KELLER: Except, Your Honor, my  
10 understanding is there was a possibility of  
11 limiting them, and I don't think that they should  
12 be expanded.

13 JUDGE SIPPEL: Well, you got new  
14 counsel, you know you're going to run your risk.

15 MR. KELLER: Okay.

16 JUDGE SIPPEL: I'm not going to try  
17 and write them for Mr. Lieberman. And --

18 MR. TURNER: Your Honor, there's one  
19 other motion pending from the Havens party, this  
20 motion to enlarge the issues. And our suggestion  
21 would be that that motion should be denied.

22 JUDGE SIPPEL: I'm going to ask again,

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1 Mr. Lieberman, to take a look at that. You  
2 really serious about that?

3 MR. LIEBERMAN: I can't comment on  
4 that as of this moment. I'm not familiar with the  
5 motion. But we can say by June 29th whether we  
6 mean it to be pending and it would be okay with  
7 us to have extensions of the deadline.

8 JUDGE SIPPEL: Yes. But that doesn't  
9 give you more time to add to it or to beef it up.

10 MR. LIEBERMAN: I understand.

11 JUDGE SIPPEL: It is what it is and  
12 they're looked upon -- you know, you know full  
13 well that those motions are looked upon very much  
14 askance even in comparative cases. And to try to  
15 throw it in here. I'm not saying --

16 MR. LIEBERMAN: Motions to enlarge  
17 issues askance?

18 JUDGE SIPPEL: Yes. They're not  
19 liked, as a general rule. I mean, look, if you  
20 have one, you have one, right? But look at it  
21 very hard because the standards of getting one is  
22 pretty high to begin with. And, my god, this

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1 case has got lots of issues to do a lot of damage  
2 to Maritime with. I don't know what more you  
3 want. But you can look.

4 MR. TURNER: Your Honor, I would  
5 suggest that Your Honor voids that motion along  
6 with the request for admissions. And if Mr.  
7 Lieberman wishes to refile it on the 29th in the  
8 form that it's in, he may do so.

9 MR. LIEBERMAN: Oh, I would object to  
10 that. The motions were filed. And I'm happy to  
11 look at them, as we said with the admissions, and  
12 narrow them down if we can, pare them down.

13 With the motion, I've just been  
14 retained. I'm not familiar with the contents of  
15 that particular motion. And so it was filed  
16 timely. If parties want an extension of time to  
17 respond, I will consent.

18 JUDGE SIPPEL: All right. Let's leave  
19 it the way it is for now. I'm hoping that it  
20 disappears.

21 MS. KANE: Well, Your Honor, our--

22 JUDGE SIPPEL: But I can't prejudice

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1 it. I mean, I have to really look at it, so --

2 MS. KANE: Our concern I think, and I  
3 believe Mr. Turner is suggesting this as well,  
4 our oppositions would be due to that motion to  
5 enlarge on Tuesday.

6 JUDGE SIPPEL: It's frozen. Your  
7 obligations are frozen until the -- what is it?  
8 The 29th is the date that I gave you, right, Mr.  
9 Lieberman?

10 MR. LIEBERMAN: Yes.

11 MR. KELLER: And I would presume there  
12 will be some date set after that.

13 JUDGE SIPPEL: It will be whatever the  
14 rules require.

15 MR. LIEBERMAN: So just to be clear,  
16 on the 29th separate from the discovery on the  
17 motions to enlarge issues we will file a  
18 statement saying yes we mean it or no we don't  
19 mean it --

20 JUDGE SIPPEL: Exactly.

21 MR. LIEBERMAN: -- or we mean the  
22 first half but don't mean the second half?

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1 JUDGE SIPPEL: Exactly.

2 MR. LIEBERMAN: Thank you.

3 JUDGE SIPPEL: And again remember,  
4 that you have any day between now and the 29th  
5 with which to do any of those things.

6 MR. LIEBERMAN: I understand.

7 JUDGE SIPPEL: So we don't have to  
8 wait.

9 MR. LIEBERMAN: Today is the 15th, as  
10 I recall.

11 MR. KELLER: Your Honor, you had  
12 earlier said that we need to set a specific date  
13 for the motion can be generated --

14 JUDGE SIPPEL: Thanks for reminding  
15 me. I'm getting to that.

16 There was something that was raising  
17 my concerns about the filing on that. Let me  
18 see, well we're doing a lot on the 29th, doing  
19 something on the 4th -- what's the date we're  
20 doing something on.

21 I don't want to crush you on the 4th  
22 of July. Why don't we say the 8th of July?

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1 MR. KELLER: That's fine.

2 MR. LIEBERMAN: And that is for what,  
3 Your Honor?

4 JUDGE SIPPEL: That is going to be a  
5 motion -- well, you paraphrase, Mr. Kelly.

6 MR. KELLER: Actually, Your Honor, I  
7 tell you what: I don't mind taking much time on  
8 that. And I think that should come either on or  
9 before the 29th as well because it's going to be  
10 relevant to some of the other stuff. I mean, I  
11 can live with the 29th to file my motion.

12 JUDGE SIPPEL: Good. Good.

13 MR. MILLER: What was the motion? I'm  
14 sorry.

15 MR. KELLER: It was a motion to  
16 address the -- what I've got is the limited  
17 participation. But I guess it's some articulation  
18 of this -- I guess it's also related to the  
19 clarification idea. My intention is to sort of  
20 coordinate between the parties and maybe we'll  
21 end up doing a joint motion.

22 JUDGE SIPPEL: It was basically a

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1 question of -- I think -- now I have to go back  
2 and I'm trying to reset my mind again here. But  
3 I think it was basically a question of limiting  
4 Mr. Havens -- somehow or another getting a handle  
5 on what Mr. Havens is going to be doing in this  
6 case.

7 MR. KELLER: Yes, exactly. Exactly.

8 MR. LIEBERMAN: And, Your Honor,  
9 related to that --

10 JUDGE SIPPEL: I'm sorry, I didn't  
11 mean to interrupt. But then the applicant  
12 parties would have time to respond to that if you  
13 want to, or you can coordinate it all in one, or  
14 you can coordinate it -- that's why I say, you're  
15 going to have enough time. Because we talked  
16 about that.

17 MR. KELLER: Well, I have enough time  
18 for the 29th.

19 JUDGE SIPPEL: It's for you okay, but  
20 I mean you're probably going to want to canvass  
21 the applicants to see if they want to extend --

22 MR. KELLER: Sure. Sure.

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1 JUDGE SIPPEL: -- pass a draft around  
2 and that kind of stuff.

3 MR. KELLER: Okay.

4 JUDGE SIPPEL: That's great. Thank  
5 you.

6 MR. LIEBERMAN: And to respond to that  
7 filing.

8 JUDGE SIPPEL: Well, that's what we're  
9 getting to.

10 MR. LIEBERMAN: Okay.

11 MR. KELLER: Absolutely.

12 JUDGE SIPPEL: When do you want to  
13 respond to it?

14 MR. LIEBERMAN: What would be the date  
15 -- we're going to have one response date for  
16 whatever you file on June 29th?

17 JUDGE SIPPEL: Well, I'll tell you  
18 what's going to happen.

19 MR. KELLER: Yes.

20 MR. LIEBERMAN: On Jun 29th?

21 JUDGE SIPPEL: Wait a minute now,  
22 you're the one that's going to be responding to

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1 it. I don't think anybody else is going to be --  
2 but I'm assuming it'll be in opposition or  
3 something.

4 MR. KELLER: The Bureau.

5 JUDGE SIPPEL: The Bureau's going to  
6 comment, yes, when your opposition comes in.

7 MR. LIEBERMAN: July 15th?

8 JUDGE SIPPEL: So I've got three dates  
9 here; the 29th your date and then the Bureau's  
10 date.

11 MR. LIEBERMAN: I would suggest July  
12 15.

13 JUDGE SIPPEL: 15 July.

14 MR. KELLER: Your Honor, that's  
15 extended amount of time.

16 JUDGE SIPPEL: It is a long time.  
17 That should not take you --

18 MR. KELLER: -- this is a fee issue.

19 MR. LIEBERMAN: It's basically two  
20 weeks with the 4th of July weekend within those  
21 two weeks.

22 JUDGE SIPPEL: Yes. He's right about

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1 that one. Let's go back to where we were. We  
2 were on May 29th with Mr. Keller's motion.

3 MR. KELLER: June 29th.

4 JUDGE SIPPEL: I mean June 29th.

5 MR. KELLER: If you want it to say  
6 whatever we want it to say, I'll make it May 29th  
7 if I could make the year.

8 JUDGE SIPPEL: Let's see now. I  
9 absolutely cannot -- I'll back it up to the 12th.  
10 I'm sorry, the 11th. I'm sorry, I misspoke. I  
11 thought the 12th was a Monday.

12 I'll give you until the Monday, the  
13 11th, take it over the weekend if you need it.

14 MR. LIEBERMAN: That's fine.

15 JUDGE SIPPEL: And then you still  
16 object to that?

17 MS. KANE: Your Honor, I --

18 JUDGE SIPPEL: I'm just allowing for  
19 the 4th of July. People disappear.

20 MS. KANE: No, I understand. We're  
21 just trying to get through some of these  
22 discovery related issues so that those in

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1 discovery can really begin and know what the  
2 scope of that is. And this is a tantamount issue  
3 to knowing that going forward.

4 JUDGE SIPPEL: Well you're going to be  
5 a lot better off after today than you were  
6 yesterday.

7 MS. KANE: I would agree with you on  
8 that, Your Honor.

9 JUDGE SIPPEL: I would agree, too.  
10 Take what you got.

11 MR. KELLER: Well, originally he was  
12 going to have you file a motion on July the 8th.  
13 So you're in good shape.

14 JUDGE SIPPEL: Yes. Too generous.

15 MR. MILLER: And, Your Honor, just for  
16 clarification purposes if the applicant parties -  
17 - we have two options it seems to me. One would  
18 be to sort of coordinate with Maritime and file a  
19 joint pleading.

20 JUDGE SIPPEL: That's true.

21 MR. MILLER: Or if we don't do that,  
22 we would have the same July 11th. Would that be

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1 a date where we would comment or would you want  
2 us to wait until after the Havens parties files  
3 their pleading on the 11th?

4 JUDGE SIPPEL: Well, wait a second.  
5 Wait just a second now.

6 I only want one comment from the  
7 Bureau. I'm expecting based on what Mr. Keller  
8 said, and there didn't seem to be any problems  
9 with that after he said it, whether he's going to  
10 coordinate with all the applicants.

11 MR. KELLER: Okay. Well, I said I'm  
12 going to attempt to.

13 JUDGE SIPPEL: Attempt.

14 MR. KELLER: By the way, agreeing on  
15 that but my --

16 JUDGE SIPPEL: No.

17 MR. KELLER: -- anticipation was the  
18 same as his. If we have some difference of  
19 opinion, then comment on what --

20 JUDGE SIPPEL: I've been doing this  
21 long enough, I would never interpret coordinate  
22 with other lawyers to mean agreement. So, just

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1 take it one step, let's see what we can do.

2 I mean, you certainly I guess you can  
3 call up the Bureau and say, you know that this,  
4 this, or this should be done in their comment.  
5 But that's all I really need. I really only  
6 three pleadings here; that's all I really need.  
7 Because a lot of this stuff is just a question of  
8 judgment in terms of limiting or however you want  
9 to characterize it, Mr. Havens' participation.

10 MR. MILLER: Excuse me, Your Honor.  
11 I understand your desire for minimizing all of  
12 this, but if the applicant parties are unable to  
13 work out an arrangement with Mr. Keller, we  
14 certainly would want the opportunity. Because  
15 what we're concerned about and what we've stated  
16 in pleadings before you is at least to date the  
17 proclivity of the Havens parties to, you know  
18 sort of go unbridled sort of discovery requests.  
19 And we would like the opportunity to at least  
20 present before you our concerns so you will have  
21 it on the record to limit whatever Mr. Havens'  
22 participation is with respect to our clients.

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1 Your Honor, I think --

2 JUDGE SIPPEL: All right. Here's the  
3 deal. You're going to have a chance if you can  
4 coordinate and agree to work with Mr. Kelly, and  
5 fine do it that way. If you feel that you need  
6 comment on it, then do your own comment about Mr.  
7 Lieberman files, which he's filing on July the  
8 11th, okay? I'll hold things open until -- let's  
9 see, the close of business on July 13th. So you  
10 got two full days to get comments in.

11 The Bureau will have until the 19th to  
12 make their comments. So the Bureau gets the last  
13 word.

14 Yes, sir?

15 MR. RICHARDS: Your Honor, should we  
16 have a target date for the stipulation you  
17 mentioned between the applicants and the Bureau,  
18 the possible stipulation regarding limitation of  
19 discovery?

20 JUDGE SIPPEL: Yes. I'm going to get  
21 to that, too.

22 So, I've got three dates here: 11

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1 July, 13 July and 18 July. And that all has to  
2 do, I'll call it the Kelly motion.

3 MS. KANE: Your Honor, if we're not  
4 getting comments from the applicants until the  
5 13th, might we have a little bit more than just  
6 three business days to respond?

7 JUDGE SIPPEL: I thought you weren't  
8 worried about it.

9 MS. KANE: I was until you --

10 JUDGE SIPPEL: All right. Give me a  
11 date you want.

12 MS. KANE: Can we say the end of that  
13 week, the 22nd?

14 JUDGE SIPPEL: The 21st. 21 July.

15 MR. RICHARDS: Your Honor, as I  
16 understand it, we only got two days to do our  
17 response, so I'm not sure why the Bureau is  
18 complaining about three.

19 JUDGE SIPPEL: Well, you got two full  
20 days. Do it on the 14th.

21 You stay with the 11th, though. Who  
22 have I got on the 11th?

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1 MR. LIEBERMAN: The Havens parties.

2 JUDGE SIPPEL: Yes, you got to stay  
3 with the 11th.

4 MR. LIEBERMAN: That's fine.

5 JUDGE SIPPEL: It's your date that  
6 started all this discussion about expediting  
7 things, and we're still expediting it.

8 Stipulation. Stipulation. I don't see  
9 it being done before ten days. Now, I say "ten  
10 days," and then we got that goofy holiday in.  
11 How about the 27th.

12 MS. KANE: Of June, Your Honor?

13 JUDGE SIPPEL: June.

14 MS. KANE: I think we should be able  
15 to work that out.

16 JUDGE SIPPEL: Somebody has got to  
17 take the lead on it, because there's going to be  
18 a lot in that. But you do what you can.

19 MR. KELLER: I apologize, but can  
20 somebody say again for me exactly what this is?  
21 This is a stipulation as to?

22 MR. MILLER: If you don't mind, Your

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1 Honor.

2 JUDGE SIPPEL: Go right ahead.

3 MR. MILLER: I think it's the scope of  
4 discovery between the Bureau's discovery on the  
5 applicant parties.

6 Is that fair, Ms. Kane?

7 MS. KANE: That's what we understand  
8 it to be.

9 JUDGE SIPPEL: It's to avoid the  
10 question that was raised about either a generic  
11 protective order ahead of time for harassment and  
12 that kind of thing, not the commercial time. And  
13 to give -- I guess to give both the Bureau and  
14 the applicant parties comfort that this form of  
15 bifurcation, if you will, is comfortable for both  
16 of them. Okay?

17 Yes, the regular protective order is  
18 on the 29th.

19 Yes, sir?

20 MR. KELLER: And the last thing I was  
21 going to say, and you may already have it on your  
22 list, but you mentioned earlier a date for

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1 commencement of discovery.

2 JUDGE SIPPEL: I did.

3 MR. KELLER: And technical a request  
4 for admission are not part of the discovery  
5 rules. Could I just suggest that whatever that  
6 date is, you said it, because there's going to be  
7 a lot going on between now and the 29th.

8 JUDGE SIPPEL: Yes, sir. A heck of a  
9 lot.

10 MR. KELLER: And I take it you're  
11 going to get hit with interrogatories or  
12 something during that time. Can we just agree,  
13 you know set a date now or that you will set a  
14 date after you agree on those pleadings that come  
15 in on the 29th? Or maybe it would be when you  
16 rule on those pleadings or --

17 JUDGE SIPPEL: Well, if I have the  
18 pleadings, I mean you shouldn't have to wait for  
19 me to --

20 MR. KELLER: Well can we make June  
21 29th the earliest date when the Commission is  
22 discovery date.

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1 JUDGE SIPPEL: Yes. The discovery, I  
2 would anticipate would be starting by noticing  
3 depositions. But I guess there's going to be  
4 document requests too. There's no reason why  
5 that shouldn't go forward.

6 MS. KANE: Your Honor, we don't see  
7 any reason to wait on serving discovery of either  
8 Maritime or maybe the assignees to the extent we  
9 can agree to that scope waiting on a motion that  
10 limits the participation of Mr. Havens. The only  
11 thing that we would ask is that commencement of  
12 discovery would begin on the date that the Judge  
13 enters a protective order for confidential  
14 purposes.

15 JUDGE SIPPEL: Yes, I think you're  
16 right.

17 MR. KELLER: That's fine. I just  
18 wanted a date so that some discovery wasn't  
19 started while we're trying to do this as well.

20 JUDGE SIPPEL: That's fine. Oh, no,  
21 you're absolutely right.

22 MR. MILLER: And, Your Honor?

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1 JUDGE SIPPEL: Yes, go ahead.

2 MR. MILLER: I'm sorry. But for  
3 something Ms. Kane said, for purposes of that  
4 commencement date that would also apply to the  
5 applicant parties assuming we've entered into an  
6 approved stipulation with respect to the scope of  
7 what discovery we would be subject to from the  
8 Bureau?

9 JUDGE SIPPEL: That should be pretty  
10 well covered in your stipulation.

11 MR. MILLER: Okay. That's fine.

12 JUDGE SIPPEL: It should be, that's as  
13 it's designed to be.

14 I think, but you know since -- I mean  
15 when discovery -- well, let me say when requests  
16 for documents or even deposition notices arrive  
17 in one's office, immediately you have to talk to  
18 the client about what's going on, and also check  
19 with his or her schedule.

20 We'll kick it off on the 5th of July  
21 after the holiday is over. That's close enough  
22 anyway. So commencement of discovery is 5 July,

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1       which is a Tuesday. The Nats are also playing  
2       the Cubs, I don't know if that's important.

3               MS. KANE: Your Honor, is it an  
4       expectation that we would have a protective order  
5       entered by that date if we submitted it to you on  
6       the 29th?

7               JUDGE SIPPEL: Yes. Yes, I hope you  
8       would. But it doesn't make -- yes, it would,  
9       certainly. If you give it to me on the 29th, you  
10      should have it on the 29th or the 30th.

11              MS. KANE: Okay. Thank you.

12              JUDGE SIPPEL: But I say, if you got  
13      little questions about it that you think that it  
14      would be good for me to think about, I say  
15      contact Mr. Ross. And use some emails, and be  
16      careful about the emails because you don't want  
17      to start a flow of things.

18              But what I'm trying to say is I want  
19      to make myself as available as I possibly can to  
20      keep the train on the track.

21              MS. KANE: Thank you, Your Honor.

22              JUDGE SIPPEL: And now we also do have

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1 pending, I guess, the reconsideration motion that  
2 has nothing to do with me. And then you may get  
3 your review in what year? Oh, you know about  
4 that

5 Are we all set?

6 MS. KANE: Your Honor, we actually  
7 haven't still set a schedule.

8 JUDGE SIPPEL: Oh, well I'm going to  
9 use your dates. I mean, I might modify them a  
10 little bit.

11 MR. MILLER: Your Honor, eight months  
12 seems like an awful long time.

13 JUDGE SIPPEL: Well, I may modify that  
14 a bit. I don't need to do it here. I think I  
15 can cut this down a little bit. But, you know if  
16 time becomes a problem -- if it really is a  
17 problem, a real problem, we can address it at  
18 that time. But I will be very reasonable. I  
19 don't think that this is the worst that I've ever  
20 seen. I didn't mean the -- I mean -- I'm sorry.  
21 That was a terrible thing to say.

22 Is everybody set, aside from me?

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1 MS. KANE: Your Honor, we actually had  
2 a couple of procedural issues we just wanted to  
3 raise and receive the Court's assistance with.

4 JUDGE SIPPEL: Okay.

5 MS. KANE: And I know some of this has  
6 been related to the fact that Mr. Havens hasn't  
7 had counsel to this point, or at least counsel  
8 who has been active for him. But in particular,  
9 there has been a lot of pleadings that have been  
10 filed that have not been complying with any of  
11 the rules or the processes for filing procedure -  
12 -

13 JUDGE SIPPEL: Mr. Lieberman knows how  
14 to do that.

15 MS. KANE: I'm hopeful that he does,  
16 and that those issues will be addressed.

17 JUDGE SIPPEL: He does. He does. He  
18 knows how to do that.

19 MS. KANE: We also would ask the Court  
20 to maybe instruct everybody to serve copies of  
21 the filings or service of discovery on the date  
22 that they actually file it with the Commission.

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1       There's been a couple of instances where service  
2       has not taken place until maybe a day or two  
3       after. We actually had an issue where something  
4       was served prior to it being filed with the  
5       Commission.

6               So again, maybe just a reminder that  
7       everybody should file with the Commission's rules  
8       and the filing process would be helpful.

9               JUDGE SIPPEL: Well, you're courtesy  
10       copies and we're using the courtesy approach,  
11       right? It's faxes or emails?

12              MS. KANE: Some people are not, Your  
13       Honor, providing us with courtesy copies of what  
14       has been filed or served and they have not been  
15       serving them. If they do, it comes several days  
16       later then the date that it was actually filed or  
17       sent through the mail. So we would ask --

18              JUDGE SIPPEL: Well, if they serve it  
19       by mail, you're going to receive it several days  
20       after it was filed, right? That makes sense.

21              MS. KANE: Correct, Your Honor. But  
22       we would ask that there be an instruction that

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